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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,545	09/30/2003	Pawel Kuzan	14462	6465

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Ralph A. Dowell of DOWELL & DOWELL P.C.
2111 Eisenhower Ave
Suite 406
Alexandria, VA 22314

EXAMINER

BEISNER, WILLIAM H

ART UNIT	PAPER NUMBER
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1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/673,545

Applicant(s)

KUZAN ET AL.

Examiner

William H. Beisner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 15, 16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law et al.(US 7,029,529).

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The reference of Law et al. discloses a device that includes a gripper (278) (See column 4, lines 1-16) that is capable of gripping a replicating pad (102, 108); a pad locating device (282, 280) (See column 4, lines 1-16) so configured as to align the pad (102, 108) in the gripper (278); a positioning device (140, 142) (See column 3, lines 13-43) so configured as to lift, lower and move the gripper (278) to a predetermined location.

The embodiment of Law et al. shown in Figure 2 differs from claim 15 by failing to disclose a pusher so configured as to push the pad (102, 108) downwardly whereby the pad is pushed downwardly once it has been positioned in the predetermined location and is in contact with the substrate.

The reference of Law et al. discloses that it is known in the art to provide the stamping head of the device with a pusher system (See Figure 7) for providing uniform contact force across the surface of stamp while in contact with a substrate (See column 8, lines 47-59).

In view of this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of embodiment 2 of the reference of Law et al. with a pusher system disclosed by the reference of Law et al. for the known and expected result of ensuring uniform contact force between the pad and substrate when the pad is in contact with the substrate.

With respect to claim 16, the pusher includes an actuator (724) and pressure regulator (738).

With respect to claim 18, the pad-locating device includes projections (280) extending upwardly therefrom.

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With respect to claim 19, while the pad-locating device (280, 282) of the reference of Law et al. includes projections for locating the pad, the reference is silent as to the use of pins and blocks as the projections.

However, in the absence of a showing of unexpected results and/or criticality, it would have been obvious to one of ordinary skill in the art to determine the optimum shape of the locating members while providing the intended function of locating the pad within the holder. The use of pins and/or blocks over a solid wall would be preferable for the known and expected result of facilitating the manual removal of the pad from the holder since a solid wall construction would limit the handler's grip on the pad when in the holder.

With respect to claim 20, the reference of Law et al. discloses the use of a pad container (914).

With respect to claim 21, the gripper includes a vacuum (286) to hold the replicating pad to the gripper (278).

5. Claims 15, 16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law et al.(US 7,029,529) in view of Tolles et al.(US 6,443,823).

The reference of Law et al. discloses a device that includes a gripper (278) (See column 4, lines 1-16) that is capable of gripping a replicating pad (102, 108); a pad locating device (282, 280) (See column 4, lines 1-16) so configured as to align the pad (102, 108) in the gripper (278); a positioning device (140, 142) (See column 3, lines 13-43) so configured as to lift, lower and move the gripper (278) to a predetermined location.

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The embodiment of Law et al. shown in Figure 2 differs from claim 15 by failing to disclose a pusher so configured as to push the pad (102, 108) downwardly whereby the pad is pushed downwardly once it has been positioned in the predetermined location and is in contact with the substrate.

The reference of Tolles et al. discloses that it is conventional in the art to provide a carrier head (100) that includes a vacuum chuck with a pressure eject system (See column 8, line 63, to column 9, line 17) to remove a substrate from the head.

In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the carrier head or gripper (278) of the reference of Law et al. with a pressure eject system for the known and expected result of providing a means recognized in the art to facilitate removal of the pad from the gripper (278) after use. Note the resulting structural modification as discussed above would be capable of functioning to press the pad downwardly against the substrate.

With respect to claim 16, the pusher includes an actuator (724) and pressure regulator (738).

With respect to claim 18, the pad-locating device includes projections (280) extending upwardly therefrom.

With respect to claim 19, while the pad-locating device (280, 282) of the reference of Law et al. includes projections for locating the pad, the reference is silent as to the use of pins and blocks as the projections.

However, in the absence of a showing of unexpected results and/or criticality, it would have been obvious to one of ordinary skill in the art to determine the optimum shape of the

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locating members while providing the intended function of locating the pad within the holder.

The use of pins and/or blocks over a solid wall would be preferable for the known and expected result of facilitating the manual removal of the pad from the holder since a solid wall construction would limit the handler's grip on the pad when in the holder.

With respect to claim 20, the reference of Law et al. discloses the use of a pad container (914).

With respect to claim 21, the gripper includes a vacuum (286) to hold the replicating pad to the gripper (278).

Response to Arguments

6. With respect to the rejections of Claims 15-18 and 21 under 35 U.S.C. 102(e) as being anticipated by Law et al.(US 7,029,529) and Claims 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over Law et al.(US 7,029,529), the rejections have been withdrawn in view of Applicants' amendments to claim 15 and related comments (See pages 5-6 of the response filed 11/17/2006). Claim 15 has been rejected under new grounds of rejection over the reference of Law et al. alone and also in view of the reference of Tolles et al. (US 6,443,823).

With respect to Applicants' comments that the device of Law et al. is a system for a completely different purpose, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Beisner whose telephone number is 571-272-1269. The examiner can normally be reached on Tues. to Fri. and alt. Mon. from 6:15am to 3:45pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William H. Beisner
Primary Examiner
Art Unit 1744

WHB